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**FILED**

APR 14 2000

**UNITED STATES DISTRICT COURT AT 8:30  
FOR THE DISTRICT OF NEW JERSEY**

WILLIAM T. WALSH  
CLERK 

PHILLIP C. ENGERS, WARREN J. MCFALL :  
and DONALD G. NOERR, individually and :  
on behalf of all others similarly situated, :

Plaintiffs, :

vs. :

AT&T and AT&T MANAGEMENT :  
PENSION PLAN, :

Defendants. :

Civil Action No. 98-CV-3660 (NHP)

**NOTICE OF PLAINTIFFS'  
MOTION FOR  
PRELIMINARY INJUNCTION  
OR RULE 23(d) ORDER**

PLEASE TAKE NOTICE that on May 8, 2000, at 10:00 a.m., or as soon thereafter as counsel may be heard, the Plaintiffs' attorneys shall move for an Order, pursuant to Federal Civil Rules 23(d) and 65 and the Age Discrimination in Employment Act, 29 U.S.C. § 626(f), enjoining Defendant AT&T's solicitation of unknowing waivers from prospective class members while defense motions have been pending that have forestalled class certification.

PLEASE TAKE FURTHER NOTICE that Plaintiffs shall rely on the reasons detailed in the accompanying Brief and Certification of Gerald Smit, as well as the existing record in this matter.